



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/559,825	12/02/2005	Rachel Schnecerson	4239-68226-07	1579
36218 7590 03/25/2010 KLARQUIST SPARKMAN, LLP 121 S.W. SALMON STREET SUITE #1600 PORTLAND, OR 97204-2988				
EXAMINER SWARTZ, RODNEY P				
ART UNIT		PAPER NUMBER		
1645				
NOTIFICATION DATE		DELIVERY MODE		
03/25/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

tanya.harding@klarquist.com
docketing@klarquist.com

DETAILED ACTION

1. Applicants' Response to Office Action, received 15 March 2010, is acknowledged. Claims 4, 22, 46, 53 and 56 have been amended. Claims 21, 45, 51, 52 and 55 have been cancelled.
2. Claims 1-6, 8-20, 22, 34-44, 46-50, 53, 54 and 56-63 are pending and under consideration.

Rejections/Objections Moot or Withdrawn

3. The rejection of claim 4 under 35 112, second paragraph, indefiniteness for "wherein the the synthetic", is withdrawn in light of the amendment of the claim.
4. The objection of claim 21 under 37 CFR 1.75 as being a substantial duplicate of claim 20, is moot in light of the cancellation of the claim.
5. The objection of claim 45 under 37 CFR 1.75 as being a substantial duplicate of claim 44, is moot in light of the cancellation of the claim.
6. The objection of claim 51 under 37 CFR 1.75 as being a substantial duplicate of claim 9, is moot in light of the cancellation of the claim.
7. The objection of claim 52 under 37 CFR 1.75 as being a substantial duplicate of claim 9 and claim 51, is moot in light of the cancellation of the claim.
8. The objection of claim 55 under 37 CFR 1.75 as being a substantial duplicate of claim 38, is moot in light of the cancellation of the claim.

Objections Maintained

9. The objection of claim 22 under 37 CFR 1.75 as being a substantial duplicate of claim 20 is maintained.

Applicants argue that the amendment of claim 22 results in the claim not being a substantial duplicate of claim 20, as the amendment adds a further step in the method.

The examiner has considered applicants' argument in light of the amendment of the claim, but does not find it persuasive. As newly amended, claim 22 remains merely a recitation of the result of the method of claim 20 which introduces the composition of claim 16 into a subject. The composition of 16 is a homopolymer linked to a carrier. Thus, the method of claim 20 would elicit an immune response to both the antigenic epitope of *Bacillus* and the carrier.

Therefore, claim 22 remains a substantial duplicate of claim 20.

10. The objection of claim 46 under 37 CFR 1.75 as being a substantial duplicate of claim 44 is maintained.

Applicants argue that the amendment of claim 46 results in the claim not being a substantial duplicate of claim 44, as the amendment adds a further step in the method.

The examiner has considered applicants' argument in light of the amendment of the claim, but does not find it persuasive. As newly amended, claim 46 remains merely a recitation of the result of the method of claim 44 which introduces the composition of claim 34. The composition of 34 is a polypeptide linked to a carrier. Thus, the method of claim 46 would elicit an immune response to both the antigenic epitope of *Bacillus* and the carrier.

Therefore, claim 46 remains a substantial duplicate of claim 44.

11. The objection of claim 53 under 37 CFR 1.75 as being a substantial duplicate of claim 20 is maintained.

Applicants argue that the amendment of the claim further limits the type of immune response elicited by the claimed method.

The examiner has considered applicants' argument, in light of the amendment of the claim, but does not find it persuasive. As newly amended, claim 53 recites that the immune

response resulting from the method of claim 20 "further comprises" eliciting an immune response against the carrier in the subject and that such a response "comprises" IgG anti-carrier antibodies and IgG anti-*B. anthracis* γ PGA antibodies. However, the method and the reagents utilized in said method is the same as that of claim 20. The recitation that the method of claim 20 results in IgG antibodies to both the carrier and the *B. anthracis* γ PGA does not further limit claim 20.

Therefore, claim 53 remains a substantial duplicate of claim 20.

12. The objection of claim 56 under 37 CFR 1.75 as being a substantial duplicate of claim 44 is maintained.

Applicants argue that the amendment of the claim further limits the type of immune response elicited by the claimed method.

The examiner has considered applicants' argument, in light of the amendment of the claim, but does not find it persuasive. As newly amended, claim 56 recites that the immune response resulting from the method of claim 44 "further comprises" eliciting an immune response against the carrier in the subject and that such a response "comprises" IgG anti-carrier antibodies and IgG anti-*B. anthracis* γ PGA antibodies. However, the method and the reagents utilized in said method is the same as that of claim 44. The recitation that the method of claim 56 results in IgG antibodies to both the carrier and the *B. anthracis* γ PGA does not further limit claim 44.

Therefore, claim 56 remains a substantial duplicate of claim 44.

Conclusion

13. The objection to claims 22, 46, 53 and 56 is maintained.

14. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rodney P. Swartz, Ph.D., Art Unit 1645, whose telephone number is (571) 272-0865. The examiner can normally be reached on Monday through Wednesday from 9:00 AM to 7:30 PM EST. Thursday is the examiner's work at home day.

If attempts to reach the Examiner by telephone are unsuccessful, please contact the Examiner's Supervisor, Robert B. Mondesi (571)272-0956.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Rodney P. Swartz, Ph.D./
Primary Examiner, Art Unit 1645
March 24, 2010